

**DECISION
GRAFTON PLANNING BOARD**

**SPECIAL PERMIT (SP 2016-7) & SITE PLAN APPROVAL
Accessory Apartment
8 Powerline Drive, Grafton, MA**

George & Georgia Haralambous (Applicant/ Owner)

Decision of the Grafton Planning Board (hereinafter the BOARD) on the petition of George and Georgia Haralambous, 8 Powerline Drive, Grafton (herein after the OWNER) for a Special Permit and Site Plan Approval for an Accessory Apartment, on property located at 8 Powerline Drive, Grafton, shown as Grafton Assessor's Map 98, Lot 96, (hereinafter the SITE) by deed recorded in the Worcester Registry of Deeds Book 11503, Page 392.

I. BACKGROUND

The application for the above referenced Special Permit and Site Plan Approval (hereinafter Application) was submitted on April 11, 2016. The public hearing on the Application was held on May 16, 2016. Notice of the public hearing and the subject matter thereof was published in the Grafton News on April 28 and May 5, 2016, and posted with the Town Clerk's Office. Abutters were notified by First Class Mail.

The following Board members were present throughout the public hearing: Sargon Hanna, Michael Scully, Robert Hassinger and Linda Hassinger. At the time of Decision Sargon Hanna was no longer a member of the Planning Board. At the time of Decision David Robbins was eligible to vote on the Decision in accordance with the Mullin Rule (see EXHIBIT #6). At the hearing, Georgia Haralanbous (Applicant / Owner) and Alexandra Kalkounis presented the application to the Board. At the public hearing, all those wishing to speak to the petition were heard. Following public input the hearing was closed on May 16, 2016.

II. SUBMITTALS

The following items were submitted to the Board for its consideration of this application:

EXHIBIT 1. Unbound application materials submitted by the Applicant, received April 11, 2016; includes the following:

- Application for Special Permit; 1 page.
- Application for Site Plan Approval; 1 page.
- Certificate of Good Standing; dated by the Treasurer/Collector's Office on March 22, 2016; 1 page.
- Certified Abutters list; signed by the Assessor's Office Manager on April 5, 2016; 1 page.
- Correspondence; Re: 8 Powerline Drive; no date; 1 page.
- Exhibit; List of Requested Waivers; no date; 1 page.
- GIS Map of Property; 8 ½" X 11"; color; dated March 18, 2016; received April 1, 2016; 2 pages.
- Compliance Certificate, Project: Proposed addition to residence; dated March 1, 2016; 1 page.

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- Site Images of existing building; 8 ½” X 11”; color; no date;; 2 pages.
- Aerial Photograph, 8 Powerline Drive, Town of Grafton GIS; dated September 24, 2016; black & white, 8 ½ x 11”; 1 page.
- Lot / Frontage information, 8 Powerline Drive, Town of Grafton GIS; dated September 24, 2016; black & white, 8 ½ x 11”; 1 page.
- Plot Plan of 8 Powerline Drive (showing existing conditions); prepared by Jarvis Land Survey, Inc.; dated October 29, 2015; 1 page.
- Plot Plan of 8 Powerline Drive (showing proposed addition); prepared by Jarvis Land Survey, Inc.; dated October 29, 2015; 1 page.
- Plan Set; Proposed House Addition for Haralambous Residence, 8 Powerline Drive; prepared by John Marro III, Architect / Planner; dated February 24, 2016; 11” x 17”; 4 sheets.
- Plan Set; Proposed House Addition – Alteration for Haralambous Residence, 8 Powerline Drive; prepared by John Marro III, Architect / Planner; dated February 27, 2016; 24” x 36”; 4 sheets.

EXHIBIT 2. Email Correspondence; Re: SP 2016-6: Accessory Apartment – 8 Powerline Drive; from Nancy Connors, Board of Health; dated and received April 21, 2016; 1 page.

EXHIBIT 3. Email Correspondence; Re: SP 2016-6: Accessory Apartment – 8 Powerline Drive; from Katrina Koshivos, Zoning Board of Appeals; dated and received April 21, 2016; 1 page.

EXHIBIT 4. Public Hearing Notice, 1 page.

EXHIBIT 5. Public Hearing Sign In Sheet for the May 16, 2016 hearing, 1 page.

EXHIBIT 6. Mullin Rule Certification signed by David Robbins for the May 16, 2016 Public Hearing; dated _____, received _____; 1 page.

III. FINDINGS

At their meeting of _____ after due consideration of the EXHIBITS submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by _____, seconded by _____) voted - to make the following Findings:

- F1.)** That this Application is for an accessory apartment on the Site as defined in Section 2.1 and Section 3.2.3.1 (Accessory Uses) of the Grafton Zoning By-law (hereinafter ZBL), and as shown on the plans identified in EXHIBIT #1 of this Decision.
- F2.)** That the Site is located in the Medium Density Residential (240) zoning district and within the Water Supply Protection Overlay District (WSPOD). The Board further finds that accessory apartments are permitted in a R20 zoning district only upon the issuance of a Special Permit by the Planning Board.

- F3.)** That determinations regarding the following Findings are based upon the documents and plans identified in this Decision, as well as the information and EXHIBITS submitted and presented in association with the Applications.
- F4.)** That determinations regarding the following Findings are also predicated upon the maintenance of the Site in accordance with this Decision, as well as all applicable Federal, State and Local regulations, except where modified by this Decision.
- F5.)** That during the public hearing the Applicant / Owner and her daughter presented the application to the Board. She is seeking the Special Permit and Site Plan Approval for the purpose constructing a 650 square foot addition to the existing house. The partially below grade part of the addition will be new basement space. The above grade portion is designed as an accessory apartment. The unit consists of one bedroom, a kitchen, bathroom and living room. Access to the unit is through the kitchen of the existing house and there is an exit leading out to the side yard. The Owner explained that they wish to build the addition so that they can live in it. Their daughter and her family plans purchase the property and would occupy the existing house.
- F6.)** That during the public hearing the Board and the Applicant discussed the location of the addition in context of the site. It was noted that the existing house is on a corner lot. The new addition does not violate any of the setback requirements set forth by the Zoning By-Law.
- F7.)** That during the public hearing, the Planning Board informed the Applicant that previously issued special permits for accessory apartments typically included a condition that limited occupancy of such apartments only to family members. The unit may not be used for rental purposes or for non-family members if, in the future, the unit is vacated. If the unit is vacated then the use of the property reverts back to single family and the accessory unit ceases to qualify as a separate living unit. The Board finds that the Applicant acknowledged this condition.
- F8.)** The Board notes that it received two project review memorandum from Town Departments - one from the Board of Health (EXHIBIT #3) and one from the Zoning Board of Appeals (EXHIBIT #4). Both departments reviewed the application. The Board of Health noted that the property is served by Town sewer and public water. The Zoning Board of Appeals did not have any comment.
- F9.)** The Board notes that there was no public input at the Public Hearing for this Application.

At their meeting of [REDACTED] after due consideration of the EXHIBITS submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by [REDACTED], seconded by [REDACTED]) voted [REDACTED] - [REDACTED] to make the following Findings:

- F10.)** With regard to Section 1.5.5(a) of the ZBL, that based upon the Findings stated within this Decision, ingress and egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe, **are / are not** adequate.
- F11.)** With regard to Section 1.5.5(b) of the ZBL, that based upon the Findings stated within this Decision, off-street parking and loading areas where required, and the economic, noise, glare, or odor effects of the Special Permit on adjoining properties and properties generally in the district **are / are not** satisfactory.

- F12.)** With regard to Section 1.5.5(c) of the ZBL, that based upon the Findings stated within this Decision, refuse collection or disposal and service areas **are / are not** satisfactory.
- F13.)** With regard to Section 1.5.5(d) of the ZBL, that based upon the Findings stated within this Decision, screening and buffering with reference to type, dimensions and character **are / are not** adequate.
- F14.)** With regard to Section 1.5.5(e) of the ZBL, that based upon the Findings stated within this Decision, signs and exterior lighting with reference to glare, traffic safety, economic effect **is / is not** compatible and in harmony with properties in the district.
- F15.)** With regard to Section 1.5.5(f) of the ZBL, that based upon the Findings stated within this Decision, the required yards and other open space requirements **are / are not** adequate.
- F16.)** With regard to Section 1.5.5(g) of the ZBL, that the proposed accessory apartment use (as presented in the EXHIBITS stated within this Decision and by the Applicant during the public hearing) **is / is not** generally compatible with adjacent properties and properties in the district.
- F17.)** With regard to Section 1.5.5(h) of the ZBL, that upon satisfying and complying with all applicable Board of Health requirements, and based upon the Findings stated within this Decision, there **will / will not** be any significant adverse impact on any public or private water supply.
- F18.)** With regard to Section 1.5.5(i) of the ZBL, that upon satisfying and complying with all applicable Board of Health requirements, and based upon the Findings stated within this Decision, there **will / will not** be any significant or cumulative impact upon municipal water supplies. The proposed use is within the Water Supply Protection Overlay District (see FINDING #2).
- F19.)** With regard to Section 1.5.5(j) of the ZBL, that based upon the Findings stated within this Decision, protection of important historic, cultural and scenic landscapes with regard to the proposed development **is / is not** satisfactory.

At their meeting of [REDACTED] after due consideration of the EXHIBITS submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by [REDACTED], seconded by [REDACTED]) voted [REDACTED] to make the following Findings:

- F20.)** That Section 1.3.3.2 of the ZBL requires that the procedure for the Site Plan Review, as defined in the ZBL, be incorporated into the procedure for reviewing Special Permits.
- F21.)** That Section 1.3.3.3 of the ZBL defines the procedure for Site Plan Review, including a description of the plans and materials to be submitted to the Planning Board.
- F22.)** The Board finds that Section 1.3.3.4 of the ZBL allows an applicant to request waivers from certain requirements of the Site Plan Review procedure. The Board finds that the Applicant submitted waiver requests from Section 1.3.3 of the Grafton Zoning By-Law (see EXHIBIT #1).
- F23.)** That the Application as described within the Exhibits of this Decision, the waivers requested, and the resulting site plan, are not contradictory or inconsistent with the intent and purposes set forth in Section 1.3.3.1 of the ZBL.

IV. WAIVERS

W1. At their meeting of [REDACTED] after due consideration of the EXHIBITS submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by [REDACTED], seconded by [REDACTED]) voted [REDACTED] to **GRANT / DENY** the Applicant's request for waivers from the following requirements of **Section 1.3.3.3 (d) Site Plan Requirements** of the ZBL with regard to preparing site plans, for the reasons stated within the Findings of this Decision:

- (10.) Wetlands, Ponds, Streams
- (12.) Existing and proposed topography at two-foot elevation intervals
- (14.) Extent and type of all existing and proposed surfaces
- (15.) Lot coverage
- (16.) Parking calculations
- (17.) Volume of Earth Material
- (18.) Driveways and driveway openings / entrances
- (19.) Parking and loading spaces
- (20.) Service areas and all facilities for screening
- (21.) Landscaping
- (22.) Lighting
- (23.) Proposed signs
- (24.) Sewage, refuse and other waste disposal
- (25.) Stormwater management facilities
- (26.) All structures and buildings associated with the proposed and existing uses
- (27.) Exterior storage and fences
- (28.) Utilities and exterior appurtenances
- (29.) Dust and erosion control
- (30.) Existing vegetation
- (31.) Other details determined by the Planning Board

W2. At their meeting of [REDACTED] after due consideration of the EXHIBITS submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by [REDACTED], seconded by [REDACTED]) voted [REDACTED] to **GRANT / DENY** the Applicant's request for waivers from the following requirements of **Section 1.3.3.3 (e) Stormwater Management and Hydrological Study** of the ZBL with regard to preparing site plans, for the reasons stated within the Findings of this Decision.

W3. At their meeting of [REDACTED] after due consideration of the EXHIBITS submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by [REDACTED], seconded by [REDACTED]) voted [REDACTED] to **GRANT / DENY** the Applicant's request for waivers from the following requirements of **Section 1.3.3.3 (f) Report on Volume of Earth Material to be Removed** of the ZBL with regard to preparing site plans, for the reasons stated within the Findings of this Decision.

W4. At their meeting of [REDACTED] after due consideration of the EXHIBITS submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by

_____, seconded by _____) voted ____ to **GRANT / DENY** the Applicant's request for a waiver from **Section 8.2.1 – Traffic Study** of the ZBL for the reasons stated within the Findings of this Decision.

The Planning Board specifically noted that voting to grant Waivers 1 – 4 was based on the size and scope of the project as well as the absence of specific concerns raised during the public hearing.

IV. DECISION and CONDITIONS

At their meeting of _____ after due consideration of the EXHIBITS submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by _____, seconded by _____) voted ____ to **GRANT / DENY** the application for a Special Permit and Site Plan Approval with the following conditions:

- C1.)** This Special Permit / Site Plan Approval is granted specifically to the Applicant for property located at 8 Powerline Drive Grafton (as identified within this Decision).
- C2.)** Based on Finding #F5 the 650 square foot addition which includes a basement area and an accessory apartment. The Board notes that the Applicant / Owners will occupy the accessory apartment and that their daughter, Alexandra Kalkounis, will be purchasing the property and plan to occupy the main house (see FINDING #F5). This permit extends only to the Applicant / Owners and said daughter upon her purchase of the property. In the event that the property is sold to another family member the permit becomes null and void.
- C3.)** Based on Finding #F7 the accessory apartment unit may not be used for rental purposes or for non-family members if, in the future, the unit is vacated. If the unit is vacated then the use of the property reverts back to single family and the accessory unit ceases to qualify as a separate living unit.
- C4.)** This Special Permit decision shall be recorded at the Worcester District Registry of Deeds within thirty (30) days following the expiration of the appeal period. A copy of such recorded Special Permit decision, including Deed Book and Page Number shall be submitted to the Planning Board office within thirty (30) days of recording.
- C5.)** By recording this Special Permit decision in the Worcester Registry of Deeds, the applicant agrees to and accepts the conditions set forth in this Special Permit decision.
- C6.)** In accordance with Section 1.5.8 of the ZBL, this Special Permit shall lapse within one (1) year from the date of the expiration of the appeal period if substantial use has not commenced except in accordance with the law. Any request for an extension of said period of validity shall be considered a Modification of this Special Permit, and such request shall be filed and reviewed in accordance with the procedure specified in Section 1.5 of the ZBL.
- C7.)** Any modification to the use or Site as described within this Decision and as presented to the Board during the public meeting and in the above referenced EXHIBITS shall require, prior to implementing such change, a determination from the Planning Board as to whether the proposed change is substantially different than presented in the materials and information used in making this Decision. The Planning Board reserves the right to solicit comments from other Town boards, departments and committees, as well as its consulting engineer, in making determinations regarding

